

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK MAURICE ROBINSON, FJ-2574,)	
Petitioner,)	
)	
v.)	1:10-CV-209
)	
RAYMOND J. SOBINA, et al.,)	
Respondents.)	

Report and Recommendation

I. Recommendation:

It is respectfully recommended that the petition of Mark Maurice Robinson be transferred to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. 2241(d).

II. Report:

Mark Maurice Robinson, an inmate at the State Correctional Institution at Albion has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis. In his petition, Robinson states that he is presently serving a life sentence imposed following his conviction, at CP-67-CR-0000696-2002 in the Court of Common Pleas of York County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and

each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in York County, which is located in the Middle District of Pennsylvania. Since all the relevant records and the prosecutor are located in York County, it appears that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania, and it is so recommended.¹

Within fourteen (14) days after being served, any party may serve and file written objections to the Report and Recommendation. Failure to file timely objections may constitute a waiver of any appellate rights.

Respectfully submitted,

s/Robert C. Mitchell,
United States Magistrate Judge

Entered: August 30, 2010

¹ We observe that at docket 2:06-cv-1507 the petitioner also submitted a challenge to this same conviction. The latter case was transferred to the united States District Court for the middle District of Pennsylvania on December 13, 2006.